

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**H. THOMAS MORAN, II, Receiver of  
the Assets of LifeTime Capital, Inc. and  
Certain Affiliated Persons and Entities**

**Case No. C-3-05-072**

**Plaintiff,**

**-vs-**

**DAVID W. SVETE,**

**Judge Thomas M. Rose  
Magistrate Judge Sharon L. Ovington**

**Defendant.**

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AMENDED

**ENTRY AND ORDER OVERRULING SVETE'S OBJECTION (Doc. #157) TO  
MAGISTRATE JUDGE OVINGTON'S NOTATION ORDER GRANTING PRO HAC  
VICE STATUS TO ATTORNEY D. BENHAM KIRK JR.**

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On May 31, 2011, Magistrate Judge Sharon L. Ovington notate granted a Motion for Leave To Appeal Pro Hac Vice submitted by attorney D. Benham Kirk, Jr. Defendant David W. Svete ("Svete") has objected to this "Notation Order." The time has run and no response to Svete's Objection has been filed. Svete's Objection is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case including Svete's Objection to the Magistrate Judge's Notation Order. Upon said review, the Court finds that Svete's Objection to the Magistrate Judge's Notation Order is not well-taken, and is hereby OVERRULED.

**DONE** and **ORDERED** in Dayton, Ohio, this Twenty-Seventh day of July, 2011.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

Mr. David W. Svete at his last address of record